

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Donald W. Weber,

Plaintiff,

Case No. 16-cv-332 (JNE/TNL)
ORDER

v.

Nancy A. Berryhill, Acting Commissioner of
Social Security,¹

Defendant.

In a Report and Recommendation dated January 26, 2017, the Honorable Tony N. Leung, United States Magistrate Judge, recommended that Plaintiff's Motion for Summary Judgment be granted in part and denied in part, that the Commissioner's Motion for Summary Judgment be denied, that the Commissioner's decision be affirmed as to steps one through two and vacated as to steps three through five, and that the case be remanded to the Commissioner for further proceedings. The parties stated that they do not object to the Report and Recommendation. The Court accepts the recommended disposition [Docket No. 20]. Therefore, IT IS ORDERED THAT:

1. Plaintiff's Motion for Summary Judgment [Docket No. 15] is GRANTED IN PART and DENIED IN PART.
2. The Commissioner's Motion for Summary Judgment [Docket No. 17] is DENIED.
3. The Commissioner's decision is AFFIRMED as to steps one through two and VACATED as to steps three through five.

¹ Nancy A. Berryhill is automatically substituted for Carolyn W. Colvin as the defendant in this case. *See* Fed. R. Civ. P. 25(d).

4. The case is REMANDED to the Commissioner for further proceedings.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated: February 2, 2017

s/ Joan N. Ericksen
JOAN N. ERICKSEN
United States District Judge